

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission,    ) Application No. 911-029  
on its own motion, seeking to        )  
establish testing standards for        ) ORDER GRANTING WAIVER OF  
the implementation of Enhanced        ) TESTING REQUIREMENTS  
Wireless 911.                                )  
  ) Filed: September 25, 2007

BY THE COMMISSION:

On June 5, 2007, the Nebraska Public Service Commission opened the above-captioned docket, on its own motion, to establish testing standards for the implementation of Enhanced Wireless 911. To date, testing standards have been docketed under 911-011/PI-79 and 911-001/PI-52. On September 19, 2007, the Commission received a request from US Cellular for a waiver of the testing standards and to allow them to put five (5) cell sites located in Merritt Reservoir, Brownlee, Anselmo, Ansley and Dunning, all within Custer and Cherry Counties, into immediate service. US Cellular will test the sites at Phase 0.

In support of its request, US Cellular has stated that it has made several attempts to contact the Public Safety Answering Points (PSAPs) in each county in order to schedule testing but has not received a response from Cherry County. Custer County has informed US Cellular that due to equipment problems, testing is not possible and at this time, the PSAP is not certain when the problems will be resolved. US Cellular has also committed to testing the towers to Phase I when the PSAPs are willing and able to schedule testing.

O P I N I O N   A N D   F I N D I N G S

The Commission has adopted specific testing requirements for the implementation of Phase I and Phase II enhanced wireless 911. Those standards were previously set forth in Progression Orders Nos. 5 and 6 in Docket No. 911-001/PI-52 and *Order Adopting Phase II Testing Standards*, Docket No. 911-011/PI-52 (October 17, 2006) and have been incorporated into the present docket by reference.

The Commission finds that based upon the information provided, US Cellular shall be granted a one-time waiver of the testing standards for the above-listed projects. In the event US Cellular is unable to receive assistance from the counties, test validation worksheets will be submitted to the Public Service Commission for verification.

US Cellular shall continue to attempt to schedule testing with the PSAPs in Custer and Cherry Counties. US Cellular shall provide an update no later than twelve months from the date of this order as to the status of the towers at issue if testing has not been completed. Once Custer and Cherry Counties are willing to schedule testing, all testing procedures and standards will apply.

The waiver granted in this matter is not intended to grant waivers to any other carrier or to guarantee a waiver to any other carrier.

Any carrier wishing to seek a waiver of the testing requirements shall apply in writing including a detailed description of the project and the reasons for a waiver. All waiver requests are completely within the discretion of the Commission and will be reviewed strictly on a case by case basis.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that US Cellular's request for a waiver of existing testing requirements for certain cell sites outlined herein is granted consistent with the terms outlined herein.

MADE AND ENTERED at Lincoln, Nebraska, this 25th day of September, 2007.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Deputy Director